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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOHNNY ESQUIVEL,
10 Petitioner,
11 vs.
12 BRIAN WILLIAMS, et al.,
13 Respondents.
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Case No. 2:17-cv-02227-RFB-PAL

ORDER

15 Petitioner has filed an application to proceed in forma pauperis (ECF No. 1) and a petition for
16 a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The application is moot because petitioner has
17 paid the filing fee. (ECF No. 5).

18 Petitioner has filed a motion for appointment of counsel (ECF No. 3). Petitioner is unable to
19 afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C.
20 § 3006A(a)(2)(B).

21 Petitioner has filed a motion for leave of court to file extended petition (ECF No. 4). The court
22 grants the motion, but a habeas corpus petition no longer is subject to a page limit. LSR 3-2(b).

23 **IT IS THEREFORE ORDERED** that the application to proceed in forma pauperis (ECF No.
24 1) is **DENIED** as moot.

25 **IT IS FURTHER ORDERED** that the clerk of the court shall file the petition for a writ of
26 habeas corpus pursuant to 28 U.S.C. § 2254.

27 **IT IS FURTHER ORDERED** that petitioner's motion for leave of court to file extended
28 petition (ECF No. 4) is **GRANTED**.

1 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF No.
2 3) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

3 **IT IS FURTHER ORDERED** that the Federal Public Defender shall have **thirty (30) days**
4 from the date that this order is entered to undertake direct representation of petitioner or to indicate to
5 the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does
6 undertake representation of petitioner, he shall then have **sixty (60) days** to file an amended petition
7 for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the
8 court shall appoint alternate counsel.

9 **IT IS FURTHER ORDERED** that neither the foregoing deadline nor any extension thereof
10 signifies or will signify any implied finding of a basis for tolling during the time period established.
11 Petitioner at all times remains responsible for calculating the running of the federal limitation period
12 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

13 **IT IS FURTHER ORDERED** that the clerk shall add Adam Paul Laxalt, Attorney General for
14 the State of Nevada, as counsel for respondents.

15 **IT IS FURTHER ORDERED** that the clerk shall electronically serve both the Attorney
16 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this
17 order.

18 **IT IS FURTHER ORDERED** that respondents' counsel shall enter a notice of appearance
19 within **twenty (20) days** of entry of this order, but no further response shall be required from
20 respondents until further order of the court.

21 **IT IS FURTHER ORDERED** that the hard copy of any electronically filed exhibits shall be
22 forwarded—for this case—to the staff attorneys in Las Vegas.

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24 DATED: October 25, 2017

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27 RICHARD F. BOULWARE, II
28 United States District Judge